

OCT 17 2016



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION IX – PACIFIC SOUTHWEST REGION  
75 Hawthorne Street  
San Francisco, CA 94105-3901**

**VIA CERTIFIED MAIL  
No. 7015-3010-000-3883-2757  
RETURN RECEIPT REQUESTED**

Carlos Salas  
Site Manager  
Cabras Marine Corporation  
1026 Cabras Highway, Suite 114  
Piti, Guam 96915

**RE: Request for Information under Clean Water Act Section 308(a) – Cabras Marine Corporation, EPA Docket No. CWA-308-9-17-003**

**Dear Mr. Salas:**

Based on our records, the U.S. Environmental Protection Agency, Region IX (“EPA”) has not received discharge monitoring reports (“DMRs”) from the Cabras Marine Corporation (“Cabras Marine”). The National Pollutant Discharge Elimination System Permit, GU0020397, (“NPDES Permit”) requires Cabras Marine to submit DMRs to report effluent monitoring results to EPA. From January 2014 to June 2014, January 2015 to March 2015, and April 2016 to July 2016, EPA has not received the required monthly DMRs from Cabras Marine.

The EPA has also not received the required visual and photographic documentation of the dry dock as required by the NPDES Permit Part III.D.3. The NPDES program operates through discharger self-reporting. Proper discharge monitoring and reporting is a central tenet to ensuring compliance and elimination of hazards to public health and the environment.

The attached Request for Information will help EPA assess Cabras Marine’s compliance with the NPDES Permit. This Request for Information encompasses the monitoring and reporting requirements of the NPDES Permit and covers the time period of July 2012 to the present. Pursuant to the Agency’s information-gathering authority under Section 308 of the Clean Water Act (“CWA”), 33 U.S.C. § 1318, EPA hereby requests that Cabras Marine provide the information specified in the attached Request for Information, Attachment 1, **by November 30<sup>th</sup>, 2016.**

Please send your response by certified mail, return receipt requested, to the following addresses:

Michael Weiss  
U.S. Environmental Protection Agency, Region IX  
Enforcement Division (ENF 3-1)  
75 Hawthorne Street  
San Francisco, CA 94105  
[weiss.michael@epa.gov](mailto:weiss.michael@epa.gov)

and

Maricar Quezon  
Guam EPA  
PO Box 22439  
Barrigada, Guam 96923  
[Maricar.Quezon@epa.guam.gov](mailto:Maricar.Quezon@epa.guam.gov)

All submittals in response to this letter must be accompanied by the following certification signed by a responsible officer in accordance with 40 C.F.R. § 122.22:

“I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.”

Cabras Marine may not withhold from EPA any information on the grounds that it is confidential business information. However, EPA has promulgated, under 40 C.F.R. Part 2, Subpart B, regulations to protect confidential business information it receives. A legally supportable claim of business confidentiality may be asserted in the manner specified by 40 C.F.R. § 2.203(b) for all or part of the information requested by EPA. EPA will disclose business information covered by such claim only as authorized by 40 C.F.R. Part 2, Subpart B. If no claim of confidentiality accompanies the information at the time EPA receives it, EPA may make it available to the public without further notice.

Failure to comply with this Request for Information can result in enforcement action for appropriate remedy, including penalties, under Section 309 of the CWA, 33 U.S.C. § 1319. Compliance with this Request for Information does not relieve Cabras Marine of its obligation to comply with the CWA or other applicable laws and permits.

The Request for Information is not subject to review by the Office of Management and Budget under the Paperwork Reduction Act because it is directed to fewer than ten persons and is therefore not a “collection of information” under 44 U.S.C. § 3502(3). It is also an exempt activity under 44 U.S.C. § 3518(c) and 5 C.F.R. § 1320.4.

Thank you for your cooperation and prompt attention to this letter as it is a matter of public health and protection of vital environmental resources. If you have any questions regarding this Request for Information, please contact Michael Weiss of the Enforcement Division at 415-947-4570 or [weiss.michael@epa.gov](mailto:weiss.michael@epa.gov). Please direct legal questions regarding this Request for Information to Desean Garnett of the Office of Regional Counsel at 415-972-3046 or [garnett.desean@epa.gov](mailto:garnett.desean@epa.gov).

Sincerely,

A handwritten signature in black ink, appearing to read "Thanne Berg". The signature is fluid and cursive, with the first name "Thanne" being more prominent than the last name "Berg".

Thanne Berg

Acting Assistant Director, Water & Pesticides Branch  
Enforcement Division

Enclosure

cc (via email): Yvette Cruz, Acting Administrator, Guam EPA

ATTACHMENT 1: Request for Information, EPA Docket No. CWA-308-9-17-003

Under the authority of Section 308(a) of the Clean Water Act, 33 U.S.C. § 1318(a), the United States Environmental Protection Agency, Region IX ("EPA") requires Cabras Marine Corporation ("Cabras Marine") to provide to EPA the information described below ("Request for Information") for its Apra Harbor dry dock facility. This Request for Information in no way alters or relieves Cabras Marine of other legal responsibilities or restrictions imposed on operations at the facility at the federal, territory, or local government level.

DEFINITIONS

The following terms shall have the following definitions for this Request for Information:

1. "Document" means all written, recorded, computer generated, or visually or aurally reproduced materials of any kind in any medium in your possession, custody or control or known by you to exist, including all originals, drafts and non-identical copies. The term includes, without limitation, all reports, studies, surveys, plans, transcripts, permits, licenses, deeds, maps, drawings, schematics, specifications, instructions, calculations, monitoring data, rental records, contracts, agreements, bid documents, purchase orders, work orders, invoices, payment records, spreadsheets, communication records, correspondence, notes, memoranda, photographs, and videos.
2. "NPDES Permit" means the National Pollutant Discharge Elimination System Permit, GU0020397.

REQUEST FOR INFORMATION

Please provide the following documents, information, and communications. If no such document, information, and/or communication exist, then so state explicitly.

1. By November 30<sup>th</sup> 2016, Cabras Marine shall provide monthly Discharge Monitoring Reports ("DMRs"), as required by NPDES Permit Part I.E.8, which were omitted from January 2014 to June 2014, January 2015 to March 2015, and April 2016 to July 2016. The monitoring results shall be reported on EPA Form 3320-1, a pre-printed DMR form. Statistical inconsistencies and incorrect calculations have been noted in submitted DMRs; please be sure to verify the accuracy of information being reported with the NPDES Permit requirements and specifications. For each DMR, Cabras Marine shall indicate the date that it completed the DMR. If the DMR was sent to EPA prior to receipt of this Request, Cabras Marine shall provide evidence of when and how the DMR was sent to EPA.
2. By November 30<sup>th</sup> 2016, Cabras Marine shall provide records for effluent monitoring conducted at Outfalls 001-004 and 005-012, required by NPDES Permit Parts I.A.1-2 and I.B-C, from January 2014 to June 2014, January 2015 to March 2015, and April 2016 to July 2016. Records were required by NPDES Permit Parts I.E and Attachment A.

3. If Cabras Marine cannot produce DMRs or effluent monitoring data as requested by subparagraphs 1 and 2 above, Cabras Marine shall submit the following by November 30<sup>th</sup> 2016:
  - a. A list of dates that Cabras Marine discharged storm water associated with a greater than 25 year/24 hour rain event to Apra Harbor (Outfalls 001-004) and/or ballast water to Apra Harbor (Outfall 005-012) from January 2014 to June 2014, January 2015 to March 2015, and April 2016 to July 2016; and
  - b. For each day of discharge from Outfalls 001-012 from January 2014 to June 2014, January 2015 to March 2015, and April 2016 to July 2016, a description of the discharge through each outfall by providing (a) volume, (b) frequency (e.g., intermittent, continuous), and (c) content (e.g., ballast water, and/or storm water).
4. Provide a copy of the most recent version of the Pollution Prevention Plan as required by Permit Part IV along with any attachments referenced in the Plan. If an earlier version of the Pollution Prevention Plan was sent to EPA prior to receipt of this Request, Cabras Marine shall provide evidence of when and how the Plan was sent to EPA.
5. Provide evidence of photo monitoring and documentation of the floating dry dock as required by Permit Part III.A.2 and III.D.3. Cabras Marine shall take at least four photographs of the condition of the dry docks at the end of each day if/when work is performed on vessel in dry dock or on the dry dock itself. Cabras Marine shall take at least one photograph from each corner of the dry dock facing toward the center of the dry dock. Cabras Marine may use a digital camera and submit electronic files stored on a diskette (CD or DVD) with the monthly DMR. Cabras Marine shall label each photograph with the location, date and time the photograph was taken. Upon request by Cabras Marine and approval by EPA, this requirement may be revised or suspended after two years of complying with this requirement. If the photo documentation was sent to EPA prior to receipt of this Request, Cabras Marine shall provide evidence of when and how the photo documentation was sent to EPA.